

Appl. No. 09/776,364
Amdt. dated May 26, 2004
Reply to Office Action of March 11, 2004

REMARKS

In the Office Action dated March 11, 2004, claims 1, 2, and 5-13 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,581,052 (Slutz) in view of U.S. Patent No. 5,517,892 (Fujimori); claims 3, 4, 14, 17-19, 23, 24, and 27-32 were rejected under § 103 over Slutz in view of Fujimori and U.S. Patent No. 6,513,047 (Talley); claims 20, 21, 25, and 26 were rejected under § 103 over Slutz in view of Fujimori, Talley, and U.S. Patent No. 5,848,410 (Walls); claims 1-14, 17-19, 23, 24, and 27-32 were rejected under § 103 over U.S. Patent No. 6,393,435 (Gartner) in view of U.S. Patent No. 5,857,192 (Fitting); and claims 20-21, 25, and 26 were rejected under § 103 over Gartner in view of Fitting and Walls.

REJECTION OVER SLUTZ AND FUJIMORI

As conceded by the Office Action, Slutz does not teach identifying a file name of a first data file to use based on received plural parameters. However, contrary to the assertion in the Office Action, Slutz also fails to disclose the following element of claim 1: the first and second test systems using *the first* data file in performing the respective first and second tests. Thus, what is performed by a method according to claim 1 is that the two test systems that perform respective first and second tests both use the same data file, which in claim 1 is the first data file. This is clearly not taught or suggested by Slutz.

In asserting that Slutz teaches that first and second test systems use *the same* data file in performing respective first and second tests, the Office Action focused on column 5, lines 32-33, which states that the test program "reads in" a configuration file 400 containing a set of parameters for a test procedure. *See* 3/11/2004 Office Action at 11. The Office Action also cited to column 4, lines 11-20, of Slutz, which states that a medium 134 stores instructions and data for the test program. *See* 3/11/2004 Office Action at 11. The column 5 passage cited by the Office Action refers to tasks performed by a test program 300 that resides in *one of the PC clients* 120. Slutz, 5:1-2. Alternatively, Slutz mentions that the test program 300 can execute within server 130, or at any other convenient location. Slutz, 5:3-4. In other words, the discussion in column 5

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of Slutz focuses on *one* test program running on *one* system (a PC client, a server, or other location). Thus, the teaching that the test program reads in a configuration file 400 in column 5 refers to the reading of a configuration file by *one* test program residing on one system.

In column 4, Slutz does mention that "the test program can be executed in one or more of clients 120 or even in server 130." Slutz, 4:18-20. However, this teaching must be construed in view of the remaining teachings of Slutz. Slutz focuses on a test program to generate database query language statements that are syntactically correct according to a query language. By use of a configuration file, a test program can generate the desired set of statements. One of the parameters in the configuration file 400 specifies the name of a database 260. Slutz, 5:33-35. The testing process is not limited to one or more fixed databases for testing a DBBMS, but rather can employ arbitrary, user-selected target databases. Slutz, 5:35-37. To select different target databases, different configuration files would have to be used. It would hardly seem efficient for multiple PC clients of Slutz to run test programs each accessing the *same* configuration file 400--that would result in the *same* test being performed by the test programs in multiple client PCs. Thus it is clear that Slutz does not provide any specific teaching or suggestion that multiple test systems can use the same data file to perform first and second tests.

In view of the foregoing, even if Slutz can be properly combined with Fujimori, the hypothetical combination does not teach or suggest each and every element of claim 1. Therefore, the obviousness rejection is defective.

Furthermore, there is no motivation or suggestion to combine Slutz and Fujimori in the manner proposed by the Office Action. The reliance on Fujimori as suggesting a modification of Slutz to achieve the claimed invention is misplaced. Fujimori relates to an electronic musical instrument having a memory for storing musical tone information containing waveform data and assigning a file name to the file that stores the waveform data. Fujimori, Abstract. As discussed in column 5 of Fujimori, character strings can be entered to form a file name. However, Applicant notes that Fujimori has nothing to do with identifying a file name of a data file to use in *first and second tests* based on plural parameters. All Fujimori would have suggested to a person of ordinary skill is a technique for assigning a file name for storing musical tone information. Such a person

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of ordinary skill in the art would not have been motivated by the teaching of Fujimori to identify a file name of a data file to use, by first and second test systems, in first and second tests based on plural parameters. Therefore, there is no motivation or suggestion to combine the teachings of Slutz and Fujimori in the manner proposed by the Office Action.

The arbitrary picking and choosing of disparate elements of Slutz and Fujimori performed by the Office Action is a classic example of impermissible hindsight to combine claim elements where no motivation or suggestion existed to make such a combination. A person looking to the teachings of Fujimori would have learned that a file name for sampling waveform data can be created by manually inputting a first portion (FNB1) and combining with another portion FNB2. Fujimori, Fig. 5, 5:49-6:8. This teaching of Fujimori would not have suggested identifying a file name of a first data file *to use in each of the first and second tests* based on received plural parameters. All Fujimori teaches to a person of ordinary skill in the art is that the file name of musical data can be found by combining two different character strings. There is absolutely no indication whatsoever in Fujimori, or in Slutz, of identifying a file name of a data file to use in each of first and second tests based on plural parameters.

Therefore, because no motivation or suggestion existed to combine Fujimori and Slutz, the asserted obviousness rejection is defective.

With respect to independent claim 6, it is respectfully submitted that there is no motivation or suggestion to combine Slutz and Fujimori to combine first and second values to generate a file name of a test file to use in a test, for the reasons given above. Moreover, with respect to dependent claim 12 (which depends indirectly from claim 6) Slutz also fails to teach or suggest performing a second test in a second system using *the* test file. As discussed above, Slutz refers to reading different configuration files by test programs in PC clients in performing its tests. Thus, in Slutz, two systems do not perform a test using the same test file, as recited in claim 12.

Independent claim 14 was rejected as being obvious over the combination of Slutz, Fujimori, and Talley. With respect to claim 14, the Office Action stated that the combination of Slutz and Fujimori "does not specifically disclose searching for the data file in storage for use in testing a database." As noted in the previous Reply, claim 14

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does not actually recite such language. Nevertheless, the same rejection was repeated against claim 14 on page 4 of the present Office Action, again repeating language that does not exist in claim 14. The Office Action does not really address why reference is made to the language "searching for the data file in storage for use in testing a database" with respect to claim 14.

It is respectfully submitted that Talley does not teach or suggest a routine to identify a file name of a data file based on a string that is formed from the combination of received first and second parameters. Although Talley discusses searching for a configuration file, it discusses this in the context of searching for the configuration file in a current directory or in a user's home directory. Talley does not teach or suggest identifying a file name of a data file based on a string that is formed from the combination of received first and second parameters. Therefore, even if the combination of Slutz, Fujimori, and Talley are proper, the hypothetical combination fails to teach or suggest the invention of claim 14.

Moreover, there is no motivation or suggestion to combine the teachings of Slutz, Fujimori, and Talley. As noted above, Fujimori is directed to a teaching that is completely unrelated to forming a string from plural parameters to identify a file name of a data file to use in a test. Talley also does not provide any teaching or suggestion of combining parameters to form a string for the purpose of identifying a file name of a data file to use in a test. Therefore, there is no motivation or suggestion to combine the teachings of Slutz, Fujimori, and Talley.

Independent claim 23 was also rejected over the asserted combination of Slutz, Fujimori, and Talley. Contrary to the assertion in the Office Action, Talley does not disclose searching a predetermined directory on a device to find a test file containing a string that is concatenated from received first and second parameters. Therefore, even if the references can be combined, the hypothetical combination of Slutz, Fujimori, and Talley fails to disclose or suggest each and every element of claim 23. Moreover, as discussed above, there is no motivation or suggestion to combine the teachings of Slutz, Fujimori, and Talley.

Independent claim 27 was also rejected over the asserted combination of Slutz, Fujimori, and Talley. Contrary to the assertion in the Office Action, Talley fails to

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disclose or suggest a routine executable to search a directory to find a file name of one of data files that contains a string concatenated from first and second parameters to use for a test. Therefore, the hypothetical combination of Slutz, Fujimori, and Talley fails to teach or suggest each and every element of claim 27. There is also no motivation or suggestion to combine the teachings of the three references.

Independent claim 28 was also rejected over the combination of Slutz, Fujimori, and Talley. Contrary to the assertion of the Office Action, there is no teaching or suggestion in Talley of searching a predetermined directory on a device to find a test file containing a string that is concatenated from a common parameter. Therefore, the hypothetical combination of Slutz, Fujimori, and Talley fails to teach or suggest each and every element of claim 28. Furthermore, there is no motivation or suggestion to combine the references.

REJECTION OVER GARTNER AND FITTING

Claim 1 was also rejected as being obvious over the asserted combination of Gartner and Fitting. The asserted combination of references, even if proper, does not teach or suggest all elements of claim 1. As discussed above, claim 1 recites performing a first test with a first test system; performing a second test with a second test system; in each of the first and second test systems, receiving plural parameters; identifying a file name of a first data file to use in each of the first and second tests based on the plural parameters; and using the first data file in performing the respective one of the first and second tests.

Gartner relates to a system and method for testing a database system that includes external file references to files stored on a remote file system. The database system stores a control table that enables access to files on the remote file system accessed through the external file references. Gartner, Abstract. The database system provides for definitions of relations that accommodate the existence of an attribute that is according to an external file reference (EFR) data type. Gartner, 5:42-46. The data structure of the EFR data type includes the name of a server and the name of a file (file name). Gartner, 5:46-47. The EFR data type supports database system behavior that causes the database system to issue a "LinkFile" command to an appropriate file server for the named file

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when an enterprise user issues an SQL call. Gartner, 5:55-59. A table that contains an attribute according to the EFR data type is table 60, shown in Fig. 2 of Gartner. A query can be made to retrieve contents of the table 60 in the database system. The query returns results that include one or more servers/filename references. Gartner, 6:19-24.

Nowhere within the teaching of Gartner is there any indication of *first and second test systems* that (1) receive plural parameters, (2) identify a file name of a first data file to use in the first and second tests, and (3) use the first data file in performing the respective first and second tests. Gartner discloses retrieving an external file reference from a table stored in a database system, with the file name identifying a file in an external file system. The identified file is retrieved from the external file system and used to test the database system. Gartner, 3:5-20.

The Office Action further stated that the plurality of users and plurality of applications for testing the database are considered to be the first and second test systems. This assertion ignores the express language of claim 1, which recites several roles for the first and second test systems. The applications and users in Gartner clearly do not receive plural parameters, do not identify a file name of a first data file to use in the first and second tests based on the plural parameters, and do not use the first data file in performing respective first and second tests. Therefore, for at least this reason, the obviousness rejection over Gartner and Fitting is defective and should be withdrawn.

Thus, contrary to the assertion in the Office Action, Gartner does not teach "many of the features in the claimed invention." Fitting does not supply the teaching necessary to combine with Gartner to achieve the claimed combination. In Fitting, an empty file is generated by a test system to send to a database server. The database server, from this empty file, generates a database query to obtain a model number. This model number is provided back to the requesting test system by appending the model number to the file name of the empty file. In this way, the products that are being tested do not need to store their model information, since the test systems are able to retrieve the model information based on the identifier of each product. Thus, there is nothing in Fitting to even remotely suggest that first and second test systems use the same data file for performing respective first and second tests. Since neither Gartner nor Fitting teaches or

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suggests the claimed invention, their combination also does not teach or suggest the claimed invention.

The Office Action cited to column 5, lines 15-23, of Fitting as disclosing "the invention for sharing files between a plurality of test systems, each able to execute [sic] a plurality of different tests." 3/11/2004 Office Action at 8. The cited column 5 passage of Fitting refers to configuring and controlling test equipment 116 to test product 118. The cited passage also states that the controller of the test system has a plurality of test routines, one for each of different models of the product. However, there is no mention in this passage of sharing files. A *prima facie* case of obviousness has thus not been established with respect to claim 1 over Gartner and Fitting.

Independent claim 6 is also allowable over the asserted combination of Gartner and Fitting. As conceded in the Office Action, Gartner does not specifically disclose combining first and second parameters to form a file name. 3/11/2004 Office Action at 7. Applicant further submits that Gartner also does not disclose or suggest receiving a second value representing a database to perform a test on. The Office Action cited to column 5, lines 41-54, of Gartner for the teaching of receiving the second value representing a database to perform a test on. A closer review of the patent will reveal that the cited passage actually refers to storing an external file reference within a table, such as table 60, in a database management system. The external file reference refers to an external file system containing test files. These external file references do not constitute the second value representing a database to perform a test on. The test files in the external file system are actually files used during testing of the database system. Therefore, Gartner is lacking a number of items asserted to be disclosed by Gartner in the Office Action.

In response to the above arguments, the Office Action stated that the external file references are the databases being tested. 3/11/2004 Office Action at 17. This statement contradicts the teaching of Gartner itself, which shows the database system being tested as being DBMS 15. The external file reference refers to test files--they are not the databases being tested.

Fitting also fails to disclose the missing elements. Fitting does not teach or suggest receiving a second value representing a database to perform a test on, in

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conjunction with combining the first value and the second value to generate a file name of a test file to use in a test. Thus, since neither Gartner nor Fitting teaches or suggest the claimed invention, their combination also does not teach or suggest the claimed invention.

Independent claim 14 is allowable over the asserted combination of Gartner and Fitting for similar reasons.

Independent claims 23, 27, and 28 are allowable over the asserted combination of Gartner and Fitting for similar reasons.

CONCLUSION

In view of the defective rejections of base claims over the asserted combination of Slutz and Fujimori or Gartner and Fitting, it is respectfully submitted that the rejections of dependent claims over Slutz, Fujimori, Talley, and Walls, or Gartner, Fitting, and Walls, are also defective.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (MCT.0134US).

Respectfully submitted,

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